

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT HUNTINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Civil Action No. 3:18-cv-01289

MATTHEW MALLORY,  
COMMONWEALTH ALTERNATIVE  
MEDICINAL OPTIONS, LLC,  
GARY KALE, GRASSY RUN  
FARMS, LLC, their agents,  
servants, assigns, attorneys, and all  
others acting in concert with the named defendants,

Defendants.

**GRASSY RUN FARMS, LLC AND GARY KALE'S RESPONSE  
IN OPPOSITION TO THE UNITED STATES' MOTION TO STAY**

On January 17, 2019, this Court dissolved its Preliminary Injunction in this case which permitted Matthew Mallory and Commonwealth Alternative Medicinal Options, LLC (collectively, the "CAMO Defendants") to immediately transport the product to Pennsylvania for processing and sale. On January 18, 2019, this Court granted a motion by the United States of America (the "Government") to stay the dissolution of the Preliminary Injunction and ordered "Defendants to file a Response to the Government's motion on or before 12 noon on Tuesday, January 22, 2019." Inasmuch as Defendants Gary Kale and Grassy Run Farms, LLC (collectively, the "Grassy Run Defendants") were not directly involved in or affected by the dissolution of the Preliminary Injunction, it is unclear whether a Response by the Grassy Run Defendants is required or expected.

Nevertheless, the Grassy Run Defendants agree with the Court's reasoning and its decision to lift the general stay and dissolve the Preliminary Injunction. The Grassy Run Defendants also

write to amplify the point raised by the CAMO Defendants—namely, that the Government raised the question of the THC content of the subject crop for the first time in its Motion to Stay. If the THC content was truly in question or was a matter of true concern to the Government, it had months and months to obtain the results of such a test or tests from the West Virginia Commissioner of Agriculture or to obtain a sample of the crop and test it for such THC content. The purported need for such a test now is no reason to further delay dissolution of the Preliminary Injunction.

The Grassy Run Defendants oppose any further efforts by the Government to delay a ruling on the merits, and request that these matters be resolved as expeditiously as possible.

**Respectfully Submitted,**

**GRASSY RUN FARMS, LLC and  
GARY KALE,**

By Counsel:

/s/ R. Booth Goodwin II

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CAMO HEMP WV LLC,  
GARY KALE, GRASSY RUN  
FARMS, LLC, their agents,  
servants, assigns, attorneys, and all  
others acting in concert with the named defendants,

Defendants.

**CERTIFICATE OF SERVICE**

I, R. Booth Goodwin II, counsel for the defendants Gary Kale and Grassy Run Farms, LLC, hereby certify that on January 21st, 2019, I electronically filed the foregoing **Grassy Run Farms, LLC and Gary Kale's Response in Opposition to the United States' Motion to Stay** with the clerk of the Court using the CM/ECF system which will send notification to the following CM/ECF participants:

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/s/ R. Booth Goodwin II  
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